

## Remarks

In response to the Non-Final Office Action mailed May 7, 2009 (hereinafter "Office Action"), claim 29 and 65 have been amended. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. Therefore, claims 29, 30, 32, 33, 35, 36, 38, 41-56 and 58-88 are currently presented for examination of which claims 29 and 65 are sole independent claims.

In view of the foregoing amendments and the following comments, allowance of all the claims pending in the application is respectfully requested.

### **Rejection under 35 U.S.C. § 103(a)**

A. Claims 29, 30, 35, 36, 38, 41-49, 52-56, 58-61, 63, 65-74, 77-85 and 87 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,206,778 to Bode *et al.* ("Bode") in view of Beck *et al* (hereinafter Beck) , U.S. Patent US 6,718,366 B2.

Applicants traverse these rejections for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, neither Bode nor Beck disclose, teach, or suggest at least the feature of "automatically searching the at least one data source in real-time during the communication for the one or more topic words appearing in the monitored communication" as recited in amended claim 29. Bode does not automatically search for "key topics of the communication"

because Bode does not relate to a communication between a user and one other individual in real-time. Rather Bode requires the user to enter a search query. Bode receives and searches based on a “user query input.” This is not a “communication between a remote client and one other individual.” Nor does Bode perform filtering of “topic words” appearing in such a communication or “automatically searching ... during the communication for the one or more topic words appearing in the monitored communication.”

Beck does not cure the deficiencies of Bode. Beck also does not teach “automatically searching the at least one data source in real-time during the communication for the one or more topic words appearing in the monitored communication.” Beck doesn’t take the words appearing in the monitored communication and **search for** them rather Beck is taking the words appearing in the monitored communication and storing them so that one can **search through** them. To clarify, when searching there are terms to **search for** and also a body of terms to **search through**. Beck discusses “a search function module 330 is provided and adapted to searching stored data for pre-defined key-words or phrases similar to the operation of known search functions”(Beck col 47, L1-4). As described this will **search for** “a predefined key-word” and **search through** stored data, which are customer interactions. So instead of searching **for** the words in the communication it is searching **through** the words of the communication. This is an important distinction and thus does not teach the feature of “automatically searching the at least one data source in real-time during the communication **for** the one or more topic words appearing in the monitored communication.”

Accordingly, for at least the foregoing reasons, Bode and Beck fail to disclose each and every feature of independent claim 29. The rejection is therefore improper and should be withdrawn.

Independent claim 65 include features similar to those set forth in independent claim 29. Claims 30, 35, 36, 38, 41-49, 52-56, 58-61, 63, 66-74, 77-85 and 87 depend from and add features to one of independent claims 29 and 65. Thus, the rejection of these claims is likewise improper and should be withdrawn for at least the same reasons.

***Rejections under 35 U.S.C. §103***

In the Office Action, the Examiner made the following rejections:

- Claims 58-61, 63, 82-85 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode et al (hereinafter Bode), U.S. Patent US 7,206,778, in view of Beck et al (hereinafter Beck), U.S. Patent US 6,718,366 B2 and in further view of Fratkina et al (hereinafter Fratkina), U.S. Patent Publication US 200110049688 A1.
- Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Beck and Teng et al (hereinafter Teng), U.S. Patent 6,976,018.
- Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Beck and in further view of Burdick et al (hereinafter Burdick), U.S. Patent 7,185,001.
- Claims 50, 51, 75 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Official Notice.
- Claims 62, 64, 86 and 88, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Beck and in further view of Liddy et al (hereinafter Liddy), U.S. Patent 5,873,056.

The dependent claims listed above are allowable at least by virtue of their dependency on the allowable independent claims. Many of the dependent claims additionally include separate patentable features. Thus, the rejection of these claims is likewise improper and should be withdrawn for at least the same reasons.

### **Conclusion**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: **August 7, 2009**

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